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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,373	04/16/2002	Thomas L. Toth	GEMS8081.111	4580
27061	7590	02/15/2006	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097				NGUYEN, VAN KIM T
ART UNIT		PAPER NUMBER		
2151				

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/063,373	TOTH, THOMAS L.	
	<b>Examiner</b> Van Kim T. Nguyen	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 November 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-29 and 38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5, 7-10, 12-14, 16-29 and 38 is/are rejected.

7) Claim(s) 6, 11, and 15 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This Office Action is responsive to communications filed on November 15, 2005.

Claims 30-37 have been cancelled. Claims 1-29 and 38 remain pending in the case.

2. Applicant's arguments with respect to claims 1-29 and 38 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not include in this action can be found in a prior Office action.

Claims 1-5, 12, 18-20, 25-26, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al (US 6,959,105), herein after Ishii.

Regarding claims 1, 12, 18, 25-26, and 38, as shown in Figures 1-7, Ishii discloses a method of constructing a network for administering imaging sessions, comprising:

providing at least one database (11, 14) for storing a plurality of scan parameter values (col. 4: lines 48-59);

configuring an imaging scanner (1) to be communicatable with the database (11, 14) and further configuring the imaging scanner to automatically transmit scan parameter values for a set of scan parameters to the at least one database following execution of an imaging scan (e.g., photoelectric converter element 7 outputs the fingerprint pattern to image processing unit 8, and comparison unit 10 reads out feature count data stored in database unit 11 and compares them with the count data from the current fingerprint to see if they match; col. 4: line 66 – col. 5: line 12); and

providing a user module (2) connected to the imaging scanner and communicatable with the at least one database (11, 14) and configuring the user module to access the database in response to a user input to determine a summary of prior imaging scans (e.g., comparison unit 10 reads out feature count data stored in database unit 11 and compares them with the count data from the current fingerprint to see if they match; col. 4: line 66 – col. 5: line 12).

Regarding claims 2 and 19, Ishii also discloses a computer programmed to determine a dosage summary (feature count data) of the one or more previous imaging scans executed in accordance with scan parameters similar to those of the desired imaging scan (col. 5: lines 3 – 28).

Regarding claims 3 and 20, Ishii also discloses the computer is further programmed to automatically store data for scan parameters for the desired imaging scan on the updatable database (11, 14) following execution of the desired imaging scan (col. 5: lines 24 – 60).

Regarding claim 4, Ishii also discloses the computer is further programmed to match the scan parameters for the desired imaging scan with scan parameters of the one or more previous imaging scans and update the data on the updatable database with scan parameter data of the desired imaging scan (e.g., comparison unit 10 reads out feature count data stored in database unit 11 and compares them with the count data from the current fingerprint to see if they match; col. 4: line 66 – col. 5: line 12).

Regarding claim 5, Ishii also discloses imaging scan parameters include at least one of scan type, patient type, patient age, patient gender, patient height, patient weight, diagnostic objective, scanner model, noise index, and reconstruction protocol (e.g., scan type such as the fingerprint pattern; col. 3: lines 33-42).

***Claim Rejections - 35 USC § 103***

4. Claims 7-10, 13-14, 16-17, 21-24, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii, as applied to claims 1, 12, 18, and 25 above, in view of DiMaria et al (US 6,075,455), hereinafter DiMaria.

5. Regarding claims 7, 9-10 and 21- 22, Ishii discloses substantially all the limitation except the first imager is located in a first facility and the second imager is located in a second facility remotely located from the first facility.

As shown in Figures 1-7, DiMaria teaches a plurality of terminal 10, comprising a plurality of epidermal topographical scanner 12, located at different locations.

Ishii and DiMaria teach analogous arts, relating to utilizing epidermal topographical patterns, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use DiMaria's teaching in Ishii's system, motivated by the need to use the epidermal topographical information for determining access privileges.

Regarding claim 8, the combination of Ishii and DiMaria also discloses the computer is further programmed to access the second database prior to the desired imaging scan and further programmed to compare scan parameters for the desired imaging scan with data stored on the

second database, wherein the data stored on the second database correspond to imaging scan parameters for one or more imaging scans executed by the at least one other imaging apparatus (Ishii: col. 5: lines 47-65).

Ishii and DiMaria teach analogous arts, relating to utilizing epidermal topographical patterns, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use DiMaria's teaching in Ishii's system, motivated by the need to use the epidermal topographical information for determining access privileges.

Regarding claim 13, the combination of Ishii and DiMaria also discloses a monitor (14) connected to the user module and configuring the user module to display the summary on the monitor (DiMaria; col. 3: lines 35-42).

Ishii and DiMaria teach analogous arts, relating to utilizing epidermal topographical patterns, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use DiMaria's teaching in Ishii's system, motivated by the need to use the epidermal topographical information for determining access privileges.

Regarding claim 14, the combination of Ishii and DiMaria also discloses the summary includes a histogram of scan parameter values (e.g., epidermal topographical pattern) from the prior imaging scans (DiMaria; col. 5: lines 1– 22).

Ishii and DiMaria teach analogous arts, relating to utilizing epidermal topographical patterns, thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use DiMaria's teaching in Ishii's system, motivated by the need to use the epidermal topographical information for determining access privileges.

Regarding claim 16, the combination of Ishii and DiMaria also discloses remotely locating the imaging scanner (12) from the at least one database 60 (DiMaria; col. 3: lines 25-33).

Ishii and DiMaria teach analogous arts, relating to utilizing epidermal topographical patterns, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use DiMaria's teaching in Ishii's system, motivated by the need to use the epidermal topographical information for determining access privileges.

Regarding claim 17, though the combination of Ishii and DiMaria does not explicitly disclose locating the imaging scanner in a medical treatment facility and the at least one database remotely from the medical treatment facility, but since the network devices can be configured to locate remotely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made the imaging scanner can be located in a treatment facility and the at least database remotely from the treatment facility, motivated by the need of providing greater accessibility for authenticating or authorizing access privilege.

Similarly, regarding claim 23, though the combination of Ishii and DiMaria does not explicitly disclose the at least one imager includes a first imager located in a first facility and a second imager located in a second facility remotely located from the first facility and wherein the

at least one database is located in one of the first facility and the second facility, but since the network devices can be configured to locate remotely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made the imaging scanner can be located in a treatment facility and the at least database remotely from the treatment facility, motivated by the need of providing greater accessibility for authenticating or authorizing access privilege.

Regarding claim 24, though the combination of Ishii and DiMaria does not explicitly disclose the at least one imager includes a first imager located in a first facility and a second imager located in a second facility remotely located from the first facility and wherein the at least one database is located in a facility remotely located from the first and the second facilities and connected to the first imager and the second imager via an electronic communications link, but since the network devices can be configured to locate remotely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made the imaging scanner can be located in a treatment facility and the at least database remotely from the treatment facility, motivated by the need of providing greater accessibility for authenticating or authorizing access privilege.

Regarding claim 27, the combination of Ishii and DiMaria also discloses the database is located remotely from an imaging apparatus used to execute the imminent imaging session (DiMaria; col. 3: lines 25-33).

Ishii and DiMaria teach analogous arts, relating to utilizing epidermal topographical patterns, thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use DiMaria's teaching in Ishii's system, motivated by the need to use the epidermal topographical information for determining access privileges.

Regarding claim 28, though the combination of Ishii and DiMaria does not explicitly disclose the imaging apparatus is located in a treatment facility and the database is located remotely from the treatment facility, but since the network devices can be configured to locate remotely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made the imaging scanner can be located in a treatment facility and the at least database remotely from the treatment facility, motivated by the need of providing greater accessibility for authenticating or authorizing access privilege.

Regarding claim 29, the combination of Ishii and DiMaria also discloses the set of instructions further causes the one or more computers to access the database via an electronic communications link (DiMaria; col. 3: lines 6 – col. 7: line 61).

Ishii and DiMaria teach analogous arts, relating to utilizing epidermal topographical patterns, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use DiMaria's teaching in Ishii's system, motivated by the need to use the epidermal topographical information for determining access privileges.

***Allowable Subject Matter***

6. Claims 6, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen  
Examiner  
Art Unit 2151

vkn

